

1 THE HONORABLE RICHARD A. JONES
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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,) No. CR18-170RAJ
10 Plaintiff,)
11 v.) ORDER GRANTING UNOPPOSED
12 MUSTAFA BYRD,) MOTION TO CONTINUE TRIAL
13 Defendant.) AND PRETRIAL MOTIONS DATES
14

15 THE COURT has considered Defendant's unopposed motion to continue the
16 trial date and pretrial motions deadline and finds that:

17 (a) taking into account the exercise of due diligence, a failure to grant a
18 continuance in this case would deny counsel for the defendant the reasonable time
19 necessary for effective preparation due to counsel's need for more time to review the
20 evidence, consider possible defenses, and gather evidence material to the defense, as set
21 forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and

22 (b) a failure to grant such a continuance in this proceeding would likely result in
23 a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

24 (c) the additional time requested is a reasonable period of delay, as the defendant
25 has requested more time to prepare for trial, to investigate the matter, to gather evidence
26 material to the defense, and to consider possible defenses; and

(d) the ends of justice will best be served by a continuance, and the ends of justice outweigh the best interests of the public and the defendant in any speedier trial, as set forth in 18 U.S.C. § 3161(h)(7)(A); and

(e) the additional time requested between the current trial date of October 15, 2018, and the new trial date is necessary to provide counsel for the defendant the reasonable time necessary to prepare for trial, considering counsel's schedule and all of the facts set forth above.

IT IS THEREFORE ORDERED that Defendant's Unopposed Motion to Continue Trial Date and Pretrial Motions Deadline (Dkt. #16) is GRANTED. The trial date in this matter shall be continued from October 15, 2018 to January 14, 2019. All pretrial motions, including motions in limine, shall be filed no later than November 29, 2018.

IT IS FURTHER ORDERED that the period of delay from the date of this order to the new trial date of January 14, 2019, is excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

DATED this 27th day of August, 2018.

Richard D. Jones

The Honorable Richard A. Jones
United States District Judge